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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,913	08/28/2001	Irina Menz	298-139	5167

7590 09/05/2003

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EXAMINER

AMARI, ALESSANDRO V

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 09/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/940,913

Applicant(s)

MENZ ET AL.

Examiner

Alessandro V. Amari

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 17-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16, 35 and 36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority based on applications filed in Germany on 12 October 2000 and 9 November 2000 and on a European application filed 17 July 2001. It is noted, however, that applicant has not filed a certified copy of the German application 10055429.6 filed 9 November 2000 or the European application 01117285.5 filed 17 July 2001 as required by 35 U.S.C. 119(b).

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 15, the phrase "a dual-channel hologram" is indefinite since it is unclear whether the recitation is referring to the at least one at least dual-channel hologram recited in claim 1 or whether it is another separate dual channel hologram.

4. Claims 1-16, 35 and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claim 1, line 1, the phrase, "in particular for documents of value..." is ambiguous since it is unclear if this recitation of the optical feature serves to limit the

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description of the invention to documents of value. Claims 2-16, 35 and 36 inherit this same rejection due to their dependence on claim 1.

5. Claims 9, 10 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Regarding claims 9, 10 and 13, line 2, the phrase "preferably" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3, 5-15, 35 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee US Patent 6,088,161.

In regard to claim 1, Lee discloses (see Figures 1, 8-11, 14 and 20) an optical feature, in particular for documents of value, having at least one at least dual-channel hologram for the holographic reconstruction of different images from different directions of gaze, in which different regions of the hologram are associated with the different channels (4, 5) and the regions of the hologram reconstructing the respective image under incident light have sub-regions which do not take part in the image reconstruction

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as described in column 7, lines 37-58, column 8, lines 28-46 and column 9, lines 40-45 and 59-67.

Regarding claim 2, Lee discloses that the sub-regions are arranged such that in the holographic reconstruction of the region (21, 22) to which the sub-region belongs, a recognizable image pattern or recognizable information results as described in column 7, lines 37-58, column 8, lines 28-46 and column 9, lines 40-45 and 59-67.

Regarding claim 3, Lee discloses that the sub-regions comprise recesses in the regions reconstructing the respective image under incident light as described in column 8, lines 28-46.

Regarding claim 5, Lee discloses that at least one hologram holographically reconstructs diffuse object beams from different directions as described in column 2, lines 9-15, 36-44, column 7, lines 66-67 and column 8, lines 1-13.

Regarding claim 6, Lee discloses that the at least one hologram holographically reconstructs shaped object beams from different directions as described in column 2, lines 9-15, 36-44, column 7, lines 66-67 and column 8, lines 1-13.

Regarding claim 7, Lee discloses that at least one hologram comprises an embossed hologram structure as described in the abstract and column 4, lines 45-58.

Regarding claim 8, Lee discloses that the regions for the reconstruction in different directions of gaze each comprise color-separated rainbow holograms as described in column 6, lines 32-50 and column 7, lines 59-65.

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Regarding claim 9, Lee discloses that the regions comprise respective, multi-color volume holograms for reconstruction in different directions of gaze as described in column 6, lines 32-50 and column 7, lines 59-65.

Regarding claim 10, Lee discloses that the regions comprise respectively a plurality of linear alternating arranged parts as shown in Figures 1, 8-11, 14 and 20 and as described in column 3, lines 63-67 and column 4, lines 1-3.

Regarding claim 11, Lee discloses that the regions each comprise a plurality of parts having at least one pixel as described in column 6, lines 21-32.

Regarding claim 12, Lee discloses that the regions for the holographic reconstruction in different directions of gaze each contain a plurality of parts having at least one pixel per primary color as described in column 6, lines 21-50.

Regarding claim 13, Lee discloses that at least one hologram is designed in a reflecting manner on the rear side and comprises a rear metallic coating as described in column 7, lines 52-58 and the abstract.

Regarding claim 14, Lee discloses that the sub-regions comprise blackenings in the regions reconstructing the respective image under incident light as described in column 9, lines 20-39.

Regarding claim 15, Lee discloses a dual channel hologram for the holographic reconstruction of two images from different directions of gaze in used which is designed such that a stereoscopic image is produced on observation as described in column 2, lines 36-44, column 3, lines 63-67 and column 4, lines 1-3.

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Regarding claim 35, Lee discloses that the at least one hologram is arranged in front of a reflecting background as described in the abstract.

Regarding claim 36, Lee discloses a document of value having at least one optical feature as described in column 12, lines 6-16.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee US Patent 6,088,161 in view of Walters US Patent 5,815,292.

Regarding claim 4, Lee discloses the invention as set forth above and that the sub-regions comprise parts of the respective region to which the relevant sub-region belongs as described in column 9, lines 20-45.

However, Lee does not disclose that the sub-regions include parts whose optical properties have later been modified by a laser.

Walters does disclose that the sub-regions include parts whose optical properties have later been modified by a laser as described in column 4, lines 30-52.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the regions of Lee with a laser as taught by Walters in order to customize authenticating devices such as bar code symbols.

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11. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee US Patent 6,088,161 in view of Solmsdorf US Patent 5,808,758.

Regarding claim 16, Lee discloses the invention as set forth above but does not teach that the hologram is arranged in front of a dark background.

Solmsdorf does teach that the hologram is arranged in front of a dark background as described in column 3, lines 64-67 and column 4, lines 1-6.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the black background as taught by Solmsdorf in the device of Lee in order to improve the contrast of the image for better viewing.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alessandro V. Amari whose telephone number is (703) 306-0533. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (703) 305-0024. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

ava *ava*  
21 August 2003

  
MARK A. ROBINSON  
PRIMARY EXAMINER